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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,580	02/23/2004	Jean-Marie Gatto	CYBS5612CON	9649
22430	7590	10/18/2004	EXAMINER	
YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/784,580

Applicant(s)

GATTO ET AL.

Examiner

D. I. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 2/23/04 and 5/24/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-38 and 40 is/are rejected.
- 7) ☒ Claim(s) 39 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt is acknowledged of the first Preliminary Amendment filed 23 February 2004. Claims 1-35 have been cancelled and claims 36-41 have been newly added by the first Preliminary Amendment. Further receipt is also acknowledged of the second Preliminary Amendment filed 24 May 2004. Currently, claims 36-41 are pending in the application.

#### ***Priority***

2. Acknowledgment is made that this application is a continuation of U.S. Application No. 09/441,040 filed 03 November 1999, now U.S. Patent No. 6,710,895.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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**5. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al. [US 5,483,047-referred as Ramachandran] in view of Sass [EP 0 871 079].**

**Re claim 36:** Ramachandran discloses a modular computer terminal comprising:

a document scanner module (a card reader placed behind the card accepting slot 24);

a control and processing electronics (not explicitly shown in figures);

a display module 22;

an integrated printer 34; and

wherein the modules each provided with component tray arranging the modules to extend from the enclosure at a time (i.e., allowing the module to be attached to or a separated from one another) for a technician to perform all the servicing functions of the components (see col. 3, lines 15+).

Ramachandran does not teach the specifics of each module including quick release interlocking mechanisms such as clips.

Sass discloses a module such as a retaining device including quick release interlocking clips (fingers 400) to allow easy removal (see the abstract).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the quick release interlocking mechanisms, as taught by Sass, in the teaching of Ramachandran in order to allow easy removal of the module in an event that the service technician has to replace the module within the enclosure.

**Re claim 37:** The terminal further comprising a terminal base (enclosure 12 including base surfaces having top wall 16 and side walls 14) housing the control and processing electronic (see figure 1); and

a terminal casing (a fascia panel 18) removably fitted to the terminal baser, the terminal casing enclosing the plurality of internal components including the document reader, printer, and display (see figure 1).

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**Re claim 38:** wherein the terminal casing is configured to enclose a rotatably mounted cylindrical paper roll 76 that supplies paper to the printer, flat edges of the paper roll being substantially parallel to the base surface of the terminal (see figures 12-13 and 18).

6. **Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran in view of Sass as applied to claim 36 above, and further in view of Uchida [JP 02-2485278].** The teachings of Ramachandran as modified by Sass have been discussed above.

Ramachandran as modified by Sass fails to teach the printer includes a read-after print mechanism to detect printing failures.

Uchida teaches a printer having a read-after-print mechanism (a read mechanism) to read the printed data after printing to discriminate the success and failure of the printing.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the read-after-print mechanism in order to raise the reliability of the printing process.

### ***Double Patenting***

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

8. **Claim 38 (claim 38 is dependent claim which includes all the limitations of the base claim 36 and the intervening claim 37) is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 30 of prior U.S. Patent No. 6,710,895.** This is a double patenting rejection.

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9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**10. Claims 36-37 and 39-41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,710,895.**

Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed invention is recited in the claims 1-33 of the parent patent (U.S. Patent No. 6,710,895).

Claims 36-37 and 39-41 are broadly recited than the claims 1-33 of the parent patent (U.S. Patent No. 6,710,895). Accordingly, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the teaching of claims 1-33 as general teachings for modular computer terminal as claimed by the present application. The instant claims obviously encompass the claimed invention of the parent patent (U.S. Patent No. 6,710,895) and broader in scope.

#### ***Allowable Subject Matter***

11. Claims 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and further timely filing of a terminal disclaimer to overcome the Double Patenting rejection (see the Double Patenting Rejection above).

12. The following is a statement of reasons for the indication of allowable subject matter:

Ramachandran teaches that the terminal is an automated teller machine (ATM) having the document scanner module (a card reader placed behind the card accepting slot) use to carry out the transaction (e.g., the document scanner module scans a document) and the receipt printer mechanism 68, which is to print customer receipts having printed information associating with the scanned document on the paper that is drawn from a roll. The receipt printing process is usually performed after the transaction.

Uchida teaches a printer having a read-after-print mechanism (a read mechanism) to read the printed data after printing (reading a readable code of magnetic data printed on the paper) to discriminate the success and failure of the printing, which obviously teaches that the read mechanism includes a code reader.

One of ordinary skill in the art would not have been motivated to modify the teachings of Ramachandran, Sass, and Uchida, alone or in combination with other references, in order to provide the readable code on the receipt linking the printed receipt to information scanned document subsequently displaying the information associated with scanned document when the code reader reads the code printed on the receipt, as set forth in the claims.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sedig [US 5,399,109] and Yamada [US 6,185,103] discloses an electronic device with a releasable means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee  
Primary Examiner  
Art Unit 2876

D. L.